



Applicant Docket No. AVER3350USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re patent application of

Applicant: William G. Hartman et al  
Serial No.: 10/737,023  
Filed: 12/16/2003  
For: ANALYTE DETECTING ARTICLE AND METHOD  
Art Unit: 1641  
Examiner: Not yet known

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1345

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed except for: (a) those previously cited or submitted to the Office in application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120, and (b) copies of each cited U.S. patent and each U.S. patent application publication in accordance with the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) for submission of U.S. patent references in applications filed after June 30, 2003, as published in the Official Gazette Notice dated 5 August, 2003.

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ☐ Copy of each English language version of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- (b) ☐ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) ☐ Within 3 months of the filing date, date of entry into the National Stage, or filing date of RCE.
- (b) ☒ Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) ☐ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

(d) \_\_\_ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

(1) \_\_\_ The required certification is given below, or

(2) \_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) \_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988

(e) \_\_\_ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

(1) \_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or

(2) \_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

4. Certification (if applicable)

(a) \_\_\_ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.

(b) \_\_\_ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully Submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By Heidi A. Boehlefeld  
Heidi A. Boehlefeld  
Reg. No. 34,296

1621 Euclid Avenue, 19th Floor  
Cleveland, Ohio 44115  
(216) 621-1113

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: MAY 11, 2004

Denise Gunvalsen  
Denise Gunvalsen



Form PTO-1449 (Modified)  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	Atty Docket No. <b>AVER3350USA</b>	Serial No. <b>10/737,023</b>
	Applicant: <b>Hartman et al.</b>	
	Filing Date <b>12/16/2003</b>	Group <b>1641</b>

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	4,003,709	18 Jan 1977	Eaton et al.	422	86	
	4,116,638	26 Sep 1978	Kenoff	422	99	
	4,226,638	7 Sept 1980	Pfeiffer	127	37	
	4,285,697	25 Aug 1981	Neary	436	20	
	4,382,700	10 May 1983	Youngren	374	102	
	4,526,752	02 Jul 1985	Perlman et al	422	56	
	4,590,157	20 May 1986	Chandler et al	435	7.92	
	4,590,157	20 May 1986	Chandler et al	435	7.92	
	4,600,751	15 Jul 1986	Lee et al.	525	404	
	4,746,616	24 May 1988	Honigs et al	436	20	
	4,833,218	26 Sep 1989	Akiyoshi et al	435	7.93	
	4,851,216	25 Jul 1989	Lee	514	772.3	
	4,870,005	26 Sept 1989	Akiyoshi et al	435	7.93	
	4,945,060	31 July 1990	Turner et al	435	277.7	
	4,966,856	30 Oct 1990	Ito et al	436	170	
	5,053,339	01 Oct 1991	Patel	436	2	
	5,058,088	15 Oct 1991	Haas et al	368	327	
	5,093,081	03 Mar 1992	Sudo et al	422	56	
	5,096,813	17 Mar 1992	Krumhar et al	435	28	
	5,266,460	30 Nov 1993	Sudo et al	435	7.9	
	5,306,466	26 Apr 1994	Goldsmith	422	58	
	5,407,829	18 Apr 1995	Wolfbeis et al	436	1	
	5,443,987	22 Aug 1995	DeCicco et al	435	4	
	5,496,451	05 Mar 1996	Iwama et al	205	790.5	
	5,653,941	05 Aug 1997	Veretto et al	422	58	
	5,663,072	02 Sep 1997	Honeybourne	436	20	
	5,699,326	16 Dec 1997	Haas et al	368	327	
	5,753,285	19 May 1998	Horan	426	87	
	5,770,038	23 Jun 1998	Iwama et al	205	775	

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,822,280	09 Feb 1999	Woodaman	436	1	
	5,869,314	9 Feb 1999	Goeddel et al	435	226	
	5,918,257	29 Jun 1999	Mifsud et al	73	23.34	
	5,928,609	27 Jul 1999	Gibson et al	422	90	
	5,930,206	27 Jul 1999	Haas et al	368	327	
	6,017,767	25 Jan 2000	Chandler	436	514	
	6,022,698	08 Feb 2000	Chen et al	435	24	
	6,027,943	22 Feb 2000	Kang et al	436	518	
	6,033,769	07 Mar 2000	Brueggemann et al	428	305.5	
	6,042,788	28 Mar 2000	De Wit et al	422	82.02	
	6,046,054	04 Apr 2000	McGeehin et al	436	121	
	6,051,317	18 Apr 2000	Brueggemann et al	428	378	
	6,051,388	18 Apr 2000	Bodenhamer	435	7.32	
	6,063,914	16 May 2000	Wolf et al	536	107	
	6,085,576	11 Jul 2000	Sunshine et al	73	29.01	
	6,143,821	07 Nov 2000	Houben	524	557	
	6,149,952	21 Nov 2000	Horan	426	87	
	6,180,335	30 Jan 2001	Wilkins et al	435	4	
	6,190,610	2/20/2001	Goldsmith et al.	422	58	
	6,190,858	20 Feb 2001	Persaud et al	435	4	
	6,200,399	13 Mar 2001	Thielman	156	73.1	
	6,212,938	10 Apr 2001	Staples	73	23.36	
	6,228,486	08 May 2001	Kittel et al	428	354	
	6,244,096	12 Jun 2001	Lewis et al	73	23.2	
	6,251,479	26 Jun 2001	Groitzsch et al	427	244	
	6,270,724	7 Aug 2001	Woodaman	422	58	
	6,285,282	4 Sept 2001	Dorenbosch et al	340	540	
	6,294,997	25 Sept 2001	Paratore et al	340	572.1	
	6,303,325	16 Oct 2001	Mehta et al	435	7.5	
	6,312,903	06 Nov 2001	Jannes et al	435	6	
	6,316,607	13 Nov 2001	Massey et al	536	22.1	
	6,325,974	04 Dec 2001	Ahvenainen et al	422	58	
	6,331,244	18 Dec 2001	Lewis et al			
	6,361,962	26 Mar 2002	Lentini et al	435	29	
	6,368,558	09 Apr 2002	Suslick et al	422	55	
	6,376,204	23 Apr 2002	Holmes et al	264	518	

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	6,379,908	23 Apr 2002	Bodenhamer	435	7.32	
	6,395,830	28 May 2002	Jonas et al	525	102	
	6,403,700	11 Jun 2002	Dahmen et al	524	556	
	6,428,748	6 Aug 2002	Wallach	422	56	
	6,576,474	10 Jun 2003	Wallach	436	169	
	20010009172	26 Jul 2001	Thielman et al	156	73.1	
	20010021531	13 Sep 2001	Goldsmith	436	1	
	20010055754	27 Dec 2001	McGrath et al	435	5	
	20020009811	24 Jan 2002	Bodenhamer et al	436	518	
	20020044891	18 Apr 2002	Miller et al	422	56	
	20020045200	18 Apr 2002	Bodenhamer	435	7.92	
	20020072079	13 Jun 2002	Woodaman	435	7.32	
	20020089087	11 Jul 2002	Mushaben	264	288.4	

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	05 034349 A2	9 Feb 1993	JP			Abstract	
	00/13009	09 Mar 2000	WO				
	01/48680	05 Jul 2001	WO				
	01/64430	7 Sept 2001	WO				
	01/77667	18 Oct 2001	WO				
	01/79840	25 Oct 2001	WO				
	01/79850	25 Oct 2001	WO				
	02/17281	28 Feb 2002	WO				
	93/15403	5 Aug 1993	WO				
	95/23872	05 Aug 1993	WO				
	95/33991	14 Dec 1995	WO				
	96/25958	29 Aug 1996	WO				
	98/20337	14 May 1998	WO				
	99/04256	28 Jan 1999	WO				

## OTHER ART

Examiner Initial	Author, Title, Date, Pertinent Pages, etc.
	Print of Webpage: Guelph Food Technology Centre – "On-line newsletter", dated March 2001, 3 pages.
	Pamphlet: SIRA Technologies product page, No date indicated, 2 pages.
	Print of Webpage: HortResearch Release – "New Fruit Label Indicated Ripeness", dated 13 November 2003, 3 pages.
	Excerpt from: Products & Technologies Magazine: Packaging: "Is something fishy about packaging?", Aaron L. Brody, contributing editor, Vol. 55, No. 4, pg. 97-98, dated April 2001, 2 pages.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

### Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution.